

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 16, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Dan McGee (R)
Sen. Terry Murphy (R)

Members Excused: Sen. Lynda Moss (D)
Sen. Larry Jent (D)
Sen. Jesse Laslovich (D)

Members Absent: none

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 364, SB 400, SB 405, SB 428, SB 441, 2/9/2009

Executive Action: SB 364-Tabled, SB 318-Tabled, SB 346-Tabled, SB 400-Do Pass, SB 405-Do Pass, SB 46-Do Pass, SB 441-Do Pass As Amended, SB 263-Do Pass As Amended

Cancellation of SB 454, SB 466:

[EXHIBIT\(jus36a01\)](#)

[EXHIBIT\(jus36a02\)](#)

Distributed to the Committee Members regarding SB 332, SB 333, SB 334:

[EXHIBIT\(jus36a03\)](#)

HEARING ON SB 364

Opening Statement by Sponsor:

00:04:34 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 364, Revise local government law re: rural fire protection, access & penalty.

Proponents' Testimony:

none

Opponents' Testimony:

00:05:24 Tim Ravndal, self

Informational Testimony:

none

Questions from Committee Members and Responses:

00:08:29 Sen. McGee
00:09:12 Sen. Brueggeman
00:10:50 Sen. Shockley
00:11:04 Sen. Brueggeman
00:11:19 Sen. Hinkle
00:12:04 Sen. Brueggeman

Closing by Sponsor:

00:12:28 Sen. Brueggeman

EXECUTIVE ACTION ON SB 364

00:13:01 **Motion/Vote:** Sen. Shockley moved that **SB 364 BE
TABLED**. Motion carried unanimously by voice vote.
_____ Sen. Laslovich, Sen. Jent and Sen. Moss voted by proxy.

EXECUTIVE ACTION ON SB 318

00:15:24 **Motion:** Sen. Shockley moved that **SB 318 DO PASS**.
00:15:35 Sen. Shockley **WITHDREW MOTION DO PASS SB 318**.

(Sen. Laslovich entered room.)

HEARING ON SB 400

Opening Statement by Sponsor:

00:16:23 Sen. Jesse Laslovich (D), SD 43, opened the hearing on
SB 400, Revise laws related to justice courts.

Proponents' Testimony:

00:19:09 Mike Moore, Montana Collectors Association
00:21:59 David Hull, Attorney, Helena

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

00:23:48 Sen. McGee
00:24:07 Sen. Laslovich

Closing by Sponsor:

00:26:46 Sen. Laslovich

(Sen. Juneau absent from room.)

EXECUTIVE ACTION ON SB 400

00:27:08 **Motion/Vote:** Sen. Shockley moved that **SB 400 DO PASS**.
Motion carried unanimously by voice vote. Sen.
Laslovich, Sen. Jent, Sen. Juneau and Sen. Moss voted
by proxy. (Sen. Laslovich as sponsor voted by proxy.)

HEARING ON SB 441

Opening Statement by Sponsor:

00:28:03 Sen. Jesse Laslovich (D), SD 43, opened the hearing on
SB 441, Revise laws related to judgments and
collections.

Proponents' Testimony:

00:34:14 Mike Moore, Montana Collectors Association
00:38:04 David Hull, Attorney

(Sen. Moss and Sen. Juneau entered room.)

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

00:38:55 Sen. Esp
00:39:22 Mr. Moore
00:41:46 Sen. Larsen
00:42:16 Sen. Laslovich
00:42:46 Sen. Larsen
00:43:07 Mr. Moore

(Sen. Jent entered room.)

00:46:41 Sen. Hinkle
00:47:12 Mr. Moore
00:47:51 Sen. Hinkle
00:47:58 Mr. Hull
00:48:51 Sen. Esp
00:49:12 Mr. Moore

00:51:54 Sen. Perry
00:52:34 Sen. Laslovich
00:54:20 Sen. Shockley

Closing by Sponsor:

00:54:36 Sen. Laslovich

EXECUTIVE ACTION ON SB 441

00:57:27 **Motion:** Sen. Shockley moved that **SB 441 DO PASS.**

00:57:35 **Motion/Vote:** Sen. Shockley moved that **SB 441 BE AMENDED.** Motion carried by unanimous vote.

EXHIBIT(jus36a04)

00:57:55 **Motion:** Sen. Shockley moved that **SB 441 DO PASS AS AMENDED.**

00:58:58 **Motion:** Sen. Shockley moved that **SB 441 BE AMENDED with a CONCEPTUAL AMENDMENT on Page 3, Line 17 strike "necessaries"; add "necessities".**

Discussion:

00:59:05 Valencia Lane, Legislative Services Division
00:59:35 Sen. Shockley
00:59:49 Ms. Lane
01:00:13 Sen. Perry
01:00:29 Sen. McGee

01:01:36 **Vote:** Motion that **SB 441 BE AMENDED** carried 9-3 by voice vote with Sen. Esp, Sen. McGee, and Sen. Murphy voting no.

01:01:52 Sen. Shockley

01:02:07 **Motion:** Sen. Shockley moved that **SB 441 DO PASS AS AMENDED.**

Discussion:

01:02:12 Sen. Esp
01:02:50 Sen. McGee
01:03:22 Sen. Shockley
01:03:54 Sen. Laslovich
01:05:21 Sen. McGee
01:06:51 Sen. Larsen
01:07:40 Sen. Jent

01:08:12 Sen. Esp

01:08:50 Sen. Laslovich

01:10:07 Sen. Shockley

01:10:49 **Vote:** Motion that **SB 441 DO PASS AS AMENDED** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. Juneau, and Sen. McGee voting no.

01:11:57 break

HEARING ON SB 405

Opening Statement by Sponsor:

01:24:17 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 405, Revise grandparent-grandchild contact law.

Proponents' Testimony:

01:25:36 Del Lonnquist, volunteer advocate, AARP Montana

EXHIBIT(jus36a05)

01:27:36 Cris Schuck, self, great grandmother, Billings

01:31:48 Peter Schuck, self, great grandfather, Billings

01:36:59 Sen. Aubyn Curtiss, SD 1

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

01:37:59 Sen. McGee

01:38:15 Sen. Moss

01:38:48 Sen. Hinkle

Closing by Sponsor:

01:39:08 Sen. Moss

(Sen. Juneau absent from room.)

EXECUTIVE ACTION ON SB 405

01:40:40 **Motion/Vote:** Sen. Shockley moved that **SB 405 DO PASS**.
Motion carried unanimously by voice vote. Sen. Juneau
voted by proxy.

(Sen. Juneau entered room.)

HEARING ON SB 428

Opening Statement by Sponsor:

01:41:45 Sen. Lynda Moss (D), SD 26, opened the hearing on SB
428, Evidence of similar crimes in DUI cases.

EXHIBIT(jus36a06)

Proponents' Testimony:

01:42:37 Mark Murphy, Chief Criminal Deputy, Yellowstone County;
Montana County Attorneys Association

01:47:00 Jane Hamman, AAA MountainWest; Montana Traffic
Association

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

01:48:08 Sen. Shockley
01:48:28 Mr. Murphy
01:59:17 Sen. Shockley
01:59:39 Mr. Murphy
02:02:00 Sen. Juneau
02:02:56 Mr. Murphy
02:07:01 Sen. Laslovich
02:07:07 Sen. Moss
02:10:30 Sen. Shockley
02:11:16 Sen. Jent
02:11:52 Mr. Murphy
02:20:39 Sen. Murphy
02:20:59 Sen. Perry
02:21:07 Sen. Shockley
02:21:24 Sen. Perry
02:21:33 Sen. Moss

Closing by Sponsor:

02:21:52 Sen. Moss

EXECUTIVE ACTION ON SB 263

02:22:38 **Motion:** Sen. Shockley moved that **SB 263 DO PASS.**

02:26:17 **Motion:** Sen. Shockley moved that **SB 263 BE AMENDED.**
EXHIBIT(jus36a07)

Discussion:

02:29:16 Sen. McGee
02:29:23 Ms. Lane
02:29:45 Sen. Jent
02:30:26 Sen. Shockley
02:31:07 Sen. Laslovich
02:31:56 Sen. Juneau
02:32:52 Sen. Shockley

02:35:09 **Vote:** Motion that **SB 263 BE AMENDED** carried
unanimously by voice vote.

02:35:16 **Motion:** Sen. Shockley moved that **SB 263 DO PASS AS
AMENDED.**

02:35:41 **Motion:** Sen. Shockley moved that **SB 263 BE AMENDED
with a CONCEPTUAL AMENDMENT for Page 6, line 11 through
13, re-insert underlined language and re-number lines.**

Discussion:

02:36:34 Ms. Lane
02:37:18 Sen. Shockley
02:37:36 Ms. Lane
02:38:18 Sen Shockley

02:38:42 **Vote:** Motion that **SB 263 BE AMENDED** carried 11-1 by
voice vote with Sen. Laslovich voting no.

02:38:57 **Motion/Vote:** Sen. Shockley moved that **SB 263 DO PASS
AS AMENDED.** Motion that **SB 263 DO PASS AS AMENDED**
carried 11-1 by voice vote with Sen. Juneau voting no.

EXECUTIVE ACTION ON SB 46

02:39:47 **Motion/Vote:** Sen. McGee moved that **SB 46 DO PASS**.
Motion carried 7-5 by roll call vote with Sen. Jent,
Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss
voting no.

EXECUTIVE ACTION ON SB 318

02:41:24 **Motion:** Sen. Shockley moved that **SB 318 DO PASS**.

02:41:32 **Motion:** Sen. Moss moved that **SB 318 BE AMENDED**.
[EXHIBIT\(jus36a08\)](#)

Discussion:

02:43:04 Ms. Lane

02:44:06 **Vote:** Motion that **SB 318 BE AMENDED** carried
unanimously by voice vote.

02:44:21 **Motion:** Sen. Laslovich moved that **SB 318 DO PASS AS
AMENDED**.

02:44:43 **Motion:** Sen. Moss moved that **SB 318 BE AMENDED**.
[EXHIBIT\(jus36a09\)](#)

Discussion:

02:45:06 Sen. Juneau

02:45:13 Sen. Moss

02:45:32 Ms. Lane

02:46:11 Sen. Esp

02:46:28 **Vote:** Motion that **SB 318 BE AMENDED** failed by roll
call vote 5-7 with Sen. Laslovich, Sen. Jent, Sen.
Moss, Sen. Larsen, and Sen. Juneau voting aye.

02:47:25 **Motion/Vote:** Sen. Shockley moved **SB 318 DO PASS AS
AMENDED**. Motion failed 5-7 by roll call vote with Sen.
Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and
Sen. Moss voting aye.

02:48:11 **Motion:** Sen. McGee moved that **SB 318 BE TABLED AND THE
VOTE REVERSED**. Motion carried.

EXECUTIVE ACTION ON SB 346

02:48:30 **Motion:** Sen. Shockley moved that **SB 346 DO PASS.**

Discussion:

02:48:49 Sen. Esp

02:48:56 Sen. Shockley

02:49:53 **Substitute Motion/Vote:** Sen. Shockley made a substitute motion that **SB 346 BE TABLED.** Substitute motion carried 11-1 by voice vote with Sen. Laslovich voting no.

02:50:24 Sen. Perry

02:51:45 Sen. Shockley

02:51:51 Sen. McGee

02:52:05 Sen. Hinkle

02:52:43 Sen. Juneau

02:53:15 Sen. Perry

ADJOURNMENT

Adjournment: 11:54 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus36aad.pdf](#))